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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,559	07/18/2003	Matthew Thomas Adams	13550	4822
7590 ORUM & ROTH 53 W. JACKSON BLVD CHICAGO, IL 60604			EXAMINER MIGGINS, MICHAEL C	
			ART UNIT	PAPER NUMBER
			1772	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/622,559	Applicant(s) ADAMS ET AL.	
	Examiner Michael C. Miggins	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-15 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-15, 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REJECTIONS WITHDRAWN

1. All of the rejections set forth in the non-final rejection of 6/8/06, pages 2-4, paragraphs 4-7 have been withdrawn.

REJECTIONS REPEATED

2. There are no rejections repeated.

NEW REJECTIONS

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-15 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litman (US 5988500) in view of Asada (US 5854148).

The step of printing recited in claims 1 and 23 is a method limitation in a product and adds no structure to the product. Therefore, the prior art need not disclose the method step of printing in order to read on applicant's claims as written since method steps are generally not germane to the patentability of a product in a product claim (MPEP 2113). However, as discussed below, Litman does describe applicant's printing step.

Litman discloses a label (column 4, lines 9-23) for use with a composite material comprising a mesh carrier (column 14, lines 42-65, since a non-woven construction is a carrier and a non-woven construction is a mesh) with indicia printed magnetically doped ink upon the mesh carrier (column 19, lines 14-45, since permalloy is a magnetically doped ink, column 20, lines 16-27), wherein the label is placed between a first layer and second layer of a composite material and is integral with an object comprised of the composite material (column 11, line 45 through column 12, line 35), wherein the carrier is a porous woven mesh and a matrix of the composite impregnates the mesh (column 11, line 45 through column 12, line 35 and column 14, lines 42-65), wherein the object is free of any visually discernable marks indicating the label (since the fibers are very small and are not readily visible, column 19, lines 14-45), wherein the label is part of an aircraft (column 13, line 65) component and wherein the label is located on the inside of a closed container (an identity card is a closed container, column 12, lines 5-15), the label may be used on clothes (column 12, lines 36-67) (applies to instant claims 1 and 4-15).

Litman fails to specifically recite wherein the indicia is a machine readable symbology (barcode).

Asada discloses a barcode which is printed on garments (column 3, lines 2-18, column 4, lines 25-39), the fiber cloth is woven or non-woven (a mesh, column 5, lines 1-4) for the purpose of providing easily machine readable anti-fraud markings.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a barcode in the invention of Litman

for the purpose of providing easily machine readable anti-fraud markings as taught or suggested by Asada.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments filed 10/10/06 have been carefully considered but are deemed unpersuasive.

Applicant has argued that Litman that woven fibers can not be equated with a mesh carrier. However, interwoven fibers are a mesh especially since applicant has no further description of "mesh" in the claims, therefore the broadest reasonable interpretation of the term "mesh" would include woven or interwoven fibers.

Applicant has argued that Asada does not disclose the use of magnetic ink. However, Litman discloses a magnetic ink as discussed above.

Applicant has argued that Litman does not disclose indicia printed with magnetic ink. However, litman discloses indicia printed with magnetic ink (column 20, lines 16-27 and column 19, lines 14-45). Moreover, the step of printing recited in claims 1 and 23 is a method limitation in a product and adds no structure to the product. Therefore, the prior art need not disclose the method step of printing in order to read on applicant's claims as written since method steps are generally not germane to the patentability of a product in a product claim (MPEP 2113).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

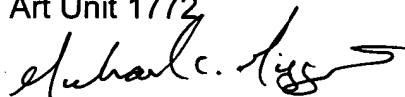
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Miggins
Primary Examiner
Art Unit 1772



MCM
January 8, 2007